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To: Examiner Robert Nasser - GAK 3735  
 FIRM: USPTO  
 FACSIMILE No.: 571-273-8300  
 OUR REF.: MASIMO.381A  
 APPLICATION No. 571-273-8300  
 FROM: John M. Grover  
 OPERATOR: Vicki Morrison  
 DATE: July 19, 2007

No. Of Pages: 8 (incl. cover sheet)  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/631,882  
Applicant(s) : Christian Shulz et al.  
Filed : July 31, 2003  
Examiner : Robert L. Nasser  
Title : Pulse Oximetry Ear Sensor  
Group Art Unit: 3735  
Customer No. : 20,995

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I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (571) 273-8300 on the date shown below.

July 19, 2007

(Date)

John M. Grover, Reg. No. 42,610

**Mail Stop Amendment**  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION DATED  
APRIL 19, 2007**

Dear Sir:

In response to the Office Action of April 19, 2007 please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 6 of this paper.